

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

DR 1998-092950

03/29/2010

JUDGE PRO TEM R. JEFFREY WOODBURN

CLERK OF THE COURT

P. Odell

Deputy

IN RE THE MATTER OF
KRISTEN HILL PACKARD

STEPHEN DOMINIC BENEDETTO

AND

PAUL V PACKARD

PAUL V PACKARD
3314 N 68TH ST # 219W
SCOTTSDALE AZ 85251

DOCKET-FAMILY COURT-SE
FAMILY COURT SERVICES-CCC

RULING/JUDGMENT ENTERED

This matter was taken under advisement following a hearing on March 23, 2010. At issue is whether Father should be held responsible for \$1,548.00 in unreimbursed orthodontic expenses. Father agreed that he owed \$667.45 for other unreimbursed medical expenses, but no repayment terms were set at the hearing.

The parties share joint custody of their children and have essentially equal parenting time. Mother testified that she informed Father that she was going to have braces put on the child prior to doing so and that the braces were medically necessary due to overcrowding of teeth. Father claims Mother did not inform him prior to having the braces put on and that the braces were not medically necessary. Mother provided a letter dated January 24, 2009 she claimed to have sent Father, prior to the braces being put on, that discussed the issue; Father claims he never received the letter. This Court has listened to the recording of the Resolution Management Conference that took place before The Honorable Sherry K. Stephens on October 17, 2008; nothing was mentioned about the orthodontic issue.

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The most recent court order discussing unreimbursed medical expenses was a Stipulated Order filed on January 26, 2009 that was signed by the parties, their attorneys, and Judge Stephens. The provision simply states that, “The parties will each pay half of any health insurance premiums and unreimbursed medical, dental, or vision expenses for the children.” (Stipulated Order, page 4, paragraph 9, emphasis added). There is nothing in the Stipulated Order that requires the parties to consult with one another prior to incurring a medical expense or that requires a showing that the expense be considered medically necessary (as opposed to cosmetic) before the expense will be entitled to reimbursement; the Stipulated Order does not discuss a mechanism for dispute resolution if the parties disagree.

This Court cannot rewrite the parties’ agreement for them nor read into the Stipulated Order provisions that are not there. The Stipulated Order states the parties must pay half of “any” unreimbursed dental expense. Therefore, Father is responsible for paying the \$1,548.00 at issue. When the \$1,548 is combined with the \$667.45 that Father agreed he owed, Father owes a total of \$2,215.45. Accordingly,

IT IS ORDERED that Father owes \$2,215.45 for unreimbursed medical expenses covering the time period from January 1, 2009 through January 31, 2010. Father shall repay this judgment by making minimum monthly payments of \$150.00 per month directly to Mother beginning April 1, 2010, at which time the judgment shall begin earning interest at the legal rate.

IT IS FURTHER ORDERED that the parties shall bear their own attorneys’ fees.

IT IS FURTHER ORDERED signing this minute entry as a formal order of this Court pursuant to Rule 81, Arizona Rules of Family Law Procedure.

/s/ R. Jeffrey Woodburn

R. JEFFREY WOODBURN
JUDICIAL OFFICER OF THE SUPERIOR COURT

All parties representing themselves must keep the Court updated with address changes. A form may be downloaded at: <http://www.superiorcourt.maricopa.gov/SuperiorCourt/Self-ServiceCenter>.